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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: VIAGRA (SILDENAFIL
CITRATE) AND CIALIS (TADALAFIL)
PRODUCTS LIABILITY LITIGATION

Case No. 3:16-MD-2691-RS

MDL No. 2691

This Document Relates to All Actions

**JOINT STIPULATION AND ORDER
ON DAUBERT-CAUSATION
EXPERT HEARINGS, AS
MODIFIED BY THE COURT**

1 As requested by the Court at the Case Management Conference on June 4, 2019, the
2 Parties have conferred and jointly stipulate to the following regarding the structure for the general
3 causation *Daubert* hearing:

4 1. The hearing schedule, as directed by the Court, will be 9 a.m. to 12 p.m. and 1
5 p.m. to 4:30 p.m. on Tuesday, October 15, 2019, Wednesday, October 16, 2019, Thursday,
6 October 17, 2019, and Tuesday October 22, 2019.

7 2. Each side shall present opening statements on October 15, 2019, not to exceed 20
8 minutes. To the extent possible, the Court will reserve Tuesday, October 22, 2019 for closing
9 statements and oral argument on pending *Daubert* motions.

10 3. The total time for the presentations of witness testimony shall be 16 hours.

11 4. Each side shall have 8 hours for examination of expert witnesses, to be allocated in
12 whatever manner each side chooses.

13 5. Plaintiffs intend to call at the hearing Drs. Singh, Haq, Ahmed, and Ganesan.
14 Defendants intend to call at the hearing Drs. Marais, Schuchter, and Bastian.

15 6. All witnesses presented shall appear live in person in court for the hearing.

16 7. For purposes of this hearing, one lawyer for Plaintiffs and one lawyer for
17 Defendants will conduct the examination of a given expert witness, but if an expert for Plaintiffs
18 provides testimony against both Pfizer and Lilly, one lawyer for each Defendant shall be
19 permitted to cross-examine that expert, provided that the examinations are not unnecessarily
20 duplicative and that the total time permitted for Defendants in Paragraph 4 above shall not be
21 affected.

22 8. On September 27, 2019, two weeks before the first day of the hearing, the Parties
23 shall submit to the Court a "Joint Hearing Brief" not to exceed ten pages outlining in a non-
24 argumentative manner (1) each side's planned schedule for presenting witnesses and (2) a brief
25 summary of the testimony to be provided by each witness to be presented.

26 9. The exhibits presented at the hearing are limited to those exhibits submitted in
27 support of or opposition to the *Daubert* motions filed in this MDL and materials cited in expert
28 reports/reliance lists. To the extent that either side seeks to present materials cited in expert

reports/reliance lists that are not already exhibits to the *Daubert* motions or additional exhibits related to any new scientific studies or information relevant to the *Daubert* motions, other than demonstrative exhibits, they must disclose those exhibits to the opposing party by September 27, 2019. The Parties shall meet and confer over the introduction of any additional exhibits to be presented at the hearing, and shall bring any unresolved objections to the Court for resolution prior to the hearing. Exhibits to be used solely for impeachment are not required to be disclosed or exchanged.

10. In adopting plaintiffs' proposals with respect to the disputed portions of the parties' proposed order, the Court is implementing its own preference for a lengthier break between the close of testimony and closing arguments than would be available under defendants' proposals. While the entire day of Tuesday, October 22, 2019 is currently reserved for closing statements and oral argument, the parties should anticipate that a shorter time limit may be imposed at the close of testimony.

11. All of the time limitations set out above should be viewed as maximums, not minimums. If in the course of preparation and/or as the testimony unfolds opportunities arise to make any portion of the presentations more succinct, the parties should not hesitate to use less than the full time allotted. Ending any morning or afternoon session early because the scheduled witnesses have been completed and the next witnesses are not available until the following session is acceptable.

Respectfully submitted,

Dated: September 6, 2019

CORY WATSON, P.C

/s/ Ernest Cory

Ernest Cory

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Dated: September 6, 2019

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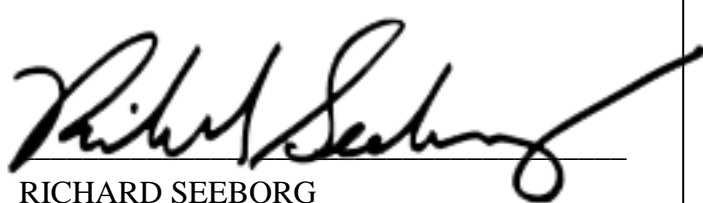
Dated: September 6, 2019

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IT IS SO ORDERED.

Dated: September 6, 2019



RICHARD SEEBORG
United States District Judge